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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 CARLOS JESUS JORDAN LOPEZ,
15 Defendant.

CASE NO. 1:23-MJ-00111-EPG

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: May 20, 2024
TIME: 2:00 p.m.
COURT: Hon. Stanley A. Boone

17 This case is set for a preliminary hearing on May 20, 2024. The parties agree and stipulate to
18 continue the preliminary hearing until June 10, 2024, at 2:00 p.m. before the Honorable Sheila K.
19 Oberto. Defense counsel has continued to be engaged in discussions and further investigation and needs
20 additional time to conclude that process. Attorney Mario Tafur has taken over the direct representation
21 of defendant Lopez and has only recently been able to in person confer with his client. Mr. Tafur needs
22 additional time to confer with Mr. Lopez and the Government. Additionally, the parties are engaged in
23 discussions and investigation of issues related to a possible pre-indictment resolution as well as
24 consultation with or seeking consultation with experts. The parties believe that a resolution is at hand.
25 There are complex factual and legal issues the parties are exploring and believe that additional time to
26 conclude that process will be productive in moving the case forward. The parties believe this short
27 continuance will be the last such continuance necessary.

28 If the case is continued, this Court should designate a new date for the preliminary hearing.

1 *United States v. Lewis*, 611 F.3d 1172, 1176 (9th Cir. 2010) (noting any pretrial continuance must be
2 “specifically limited in time”).

3 **STIPULATION**

4 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
5 through defendant’s counsel of record, hereby stipulate as follows:

- 6 1. By previous order, this matter was set for preliminary hearing on May 20, 2024.
- 7 2. By this stipulation, defendant now moves to continue the preliminary hearing until **June
8 10, 2024**. and to exclude time between May 20, 2024, and June 10, 2024.
- 9 3. The parties agree and stipulate, and request that the Court find the following:
 - 10 a) The parties are discussing and conducting further investigation into pre-
indictment matters and need additional time to conclude.
 - 11 b) Counsel for defendant desires additional time to consult with his client, conduct
further investigation, and further discuss charges with the government.
 - 12 c) Counsel for the defendant and the Government are engaged in resolution
discussions and believe that additional time is necessary to conclude those discussions.
 - 13 d) Counsel for defendant believes that failure to grant the above-requested
continuance would deny her the reasonable time necessary for effective preparation, taking into
account the exercise of due diligence.
 - 14 e) The government does not object to the continuance.
 - 15 f) Pursuant to F.R.Cr.P. 5.1(c) and (d), a preliminary hearing must be held “no later
than 14 days after initial appearance if the defendant is in custody,” unless the defendant
consents and there is a “showing of good cause”. Here, the defendant consents and there is good
cause as set forth herein.
 - 16 g) Based on the above-stated findings, the ends of justice served by continuing the
case as requested outweigh the interest of the public and the defendant in an indictment or trial
within the original dates prescribed by the Speedy Trial Act.
 - 17 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
et seq., within which an indictment must be filed and within which a trial must commence, the

1 time period of May 20, 2024 to June 10, 2024, inclusive, is deemed excludable pursuant to 18
2 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at
3 defendant's request on the basis of the Court's finding that the ends of justice served by taking
4 such action outweigh the best interest of the public and the defendant in a speedy
5 indictment/trial.

6 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
7 Speedy Trial Act dictate that additional time periods are excludable from the period within which an
8 indictment must be filed and a trial must commence.

9 IT IS SO STIPULATED.

10 Dated: May 15, 2024

PHILLIP A. TALBERT
United States Attorney

12 /s/ DENNIS L LEWIS
13 DENNIS L LEWIS
Assistant United States Attorney

14 Dated: May 15, 2024

15 /s/ MARIO TAFUR
16 MARIO TAFUR
Counsel for Defendant
17 CARLOS JESUS JORDAN
LOPEZ

ORDER

The preliminary hearing in the above-entitled case is hereby continued from the previously set date of May 20, 2024, to **June 10, 2024, at 2:00 p.m. before Magistrate Judge Sheila K. Oberto**. The time period of May 20, 2024 to June 10, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv). All other orders remain in full force and effect. The Court will not grant further continuances, absent good cause, which will be narrowly construed, and the preliminary hearing will go forward on June 10, 2024.

IT IS SO ORDERED.

Dated: May 15, 2024

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE